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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,392	08/30/2001	Jeffrey Scott Weaver	10006366-1	8226

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EXAMINER

WU, QING YUAN

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,392

Applicant(s)

WEAVER ET AL.

Examiner

Qing-Yuan Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/22/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-27 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following claim language is indefinite:

- i. As per claims 3-10, it is uncertain whether “receiving a first resource request” refers to “receiving a first resource request,” in claim 1, line 6 (i.e. if they are the same then “said” or “the” should be used and “receiving the first resource request” must be used throughout all the dependent claims).
- ii. As per claim 6, it is uncertain whether “a web browser” refers to “a web browser,” in claim 5 (i.e. if they are the same then “said” or “the” should be used and “the web browser” must be used throughout all the dependent claims).
- iii. As per claim 8, it is uncertain whether “a monetary priority scheduler queue” refers to “a monetary priority scheduling queue,” in claim 1 (i.e. if they are the same then “said” or “the” should be used and “the monetary priority scheduling queue” must be used throughout all the dependent claims).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broder et al (hereafter Broder) (U.S. Patent 5,991,808), in view of Marsh et al (hereafter Marsh) (U.S. Patent 5,848,397).

6. Broder was cited in the last office action. Marsh was cited by applicant in Information Disclosure Statement filed August 30, 2001.

7. As to claim 1, Broder teaches the invention substantially as claimed including a method of prioritizing computer resource requests, the method comprising:

receiving a first resource request at the throughput resource from the preferred subscriber;

receiving a second resource request at the throughput resource from a non-preferred subscriber having a non-monetary priority queue designation;

processing the first resource request from the preferred subscriber faster to processing the second resource request from the non-preferred subscriber based on the monetary priority queue designation having a higher priority for processing than the non-monetary priority queue designation [col. 3, lines 8-22; col. 4, lines 21-22; col. 6, lines 19-28].

8. Broder does not specifically teach granting a monetary priority queue designation upon payment for the monetary priority queue designation by the preferred subscriber. However, Broder disclosed a task directing unit that handles and process different requests from different clients (i.e. clients that has higher priority with payment) based on the type/priority of the client [col. 3, lines 8-22; col. 6, lines 19-28].

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have recognized that a monetary priority queue designation or related identifier has to be granted or assigned to the clients in order for the task directing unit to identify and distinguished one type of client from another.

10. Furthermore, Broder does not specifically teach a monetary priority scheduling queue, and processing the request with monetary priority designation first. However, Broder disclosed given priority service to client willing to pay an additional fee [col. 6, lines 19-28], and a first-in-first-out task queue for queuing each service request [col. 4, lines 27-28]. In addition, Marsh teaches scheduling of advertisements in priority queues based on revenues that may be generated from the advertisements, and process advertisements with higher priority first [Marsh, abstract; col. 3, line 57 to col.4, line 6; col. 8, line 47 to col.9, line 6; col. 9, lines 50-52].

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have combined the teaching of Broder with the teaching of Marsh because the

teaching of Marsh would further enhance the teaching of Broder by ensuring priority service to paid clients by assigning a higher priority to their requests and servicing their requests first.

12. As to claim 2, Broder as modified teaches the invention substantially as claimed including transmitting the first resource request to a job resource configured for performing the resource request [col. 3, lines 10-16 and lines 30-32].

13. As to claims 3-6, Broder as modified does not specifically teach an internet service provider, and a web browser as a preferred subscriber; a internet router, an internet service provider, and a web server as the throughput resource. However, Broder disclosed a client-server relationship [col. 4, lines 22-23], and a task directing unit [col. 2, lines 51-55].

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have recognized that the recited preferred subscribers, and throughput resources falls into the categories of the client-server relationship as being considered by Broder.

15. As to claim 7, Broder as modified teaches the invention substantially as claimed including providing the throughput resource as a server system configured for acting as at least one of the following computer resources:

web resource, file resource, printer, network resource, load leveler, router, hub, data resource, transaction resource, access resource, transmission resource, authorization resource, and stock trader [col. 2, lines 6-8 and lines 51-55].

16. As to claim 8, this claim is rejected for the same reason as claims 1 and 7 above.

17. As to claim 9, this claims is rejected for the same reason as claim 1 above, in addition Broder as modified does not specifically teach the preferred subscriber as at least one of a local area network, a internet access/service provider, and a router. However, Broder disclosed clients as types of device capable of querying the multiple servers via the network, and receiving information back from the server [col. 4, lines 10-14].

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have recognized that Broder's definition of clients would include the various communication devices.

19. As to claim 10, Broder as modified teaches the invention substantially as claimed including:

prioritizing resource requests based on a job type monetary priority designation [col. 6, lines 41-46], associated with at least one of the following job types: email, data, access, transmission, routing, and transactions [col.4, lines 22-23].

20. As to claim 11, this claim is rejected for the same reason as claim 1 above.

21. As to claims 12-15, these are system claims for performing the method claims 1-11.

Therefore, they are rejected for the same reason as claims 1-11 above.

22. As to claim 16, this claim is rejected for the same reason as claims 1, 4 and 5 above.

23. As to claims 17-20, these claims are rejected for the same reason as claims 3-9 above.

24. As to claim 23, this claim is rejected for the same reason as claim 10. In addition, Broder as modified does not specifically teach a graphical user interface including:

an activation function;

a login function; and

a job type priority designation function.

However, Broder disclosed an input interface and a display interface to facilitate the display of information to the user [col.10, lines 4-8; 630, 640, 730, 620, 740, Fig. 8].

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to include the above functions for managing the monetary priority designation giving the ability of Broder's system of displaying system information to user and providing user interaction via an input interface.

26. As to claims 21-22, these claims are rejected for the same reason as claims 1, 3-6, and 8-9 above.

27. As to claims 24-26, these are computer-readable medium having computer-executable instructions claims that correspond to the method claims 1, 7 and 8. Therefore, they are rejected for the same reason as method claims 1, 7 and 8 above.

28. As to claim 27, these are computer-readable medium having computer-executable instructions claims that correspond to the method claim 11. Therefore, it is rejected for the same reason as claim 11 above.

Response to Arguments

29. Applicant's arguments filed 2/22/05 have been fully considered but are moot in view of the new ground(s) of rejection.

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,


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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SUE LAO
PRIMARY EXAMINER

Qing-Yuan Wu

Examiner

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